MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF SEPTEMBER 3, 2010

(Published September 11, 2010, in Finance and Commerce)

Council Chamber Room 317 City Hall 350 South 5th Street Minneapolis, Minnesota September 3, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 9/3/2010.

Lilligren moved acceptance of the minutes of the adjourned session of August 16, 2010 and the regular meeting and adjourned session of August 20, 2010. Seconded.

Adopted upon a voice vote 9/3/2010.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 9/3/2010.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COORDINATOR (274450)

American Recovery & Reinvestment Act updates and City impact summary.

COMMITTEE OF THE WHOLE (See Rep):

MAYOR (274451)

Reappointment of CRA Board Chair.

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274452)

Living Wage/Job Linkage Report.

FINANCE DEPARTMENT (274453)

4th Quarter 2009 Financial Status Report.

2nd Quarter 2010 Financial Status/CPED Funds Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274454)

Land Sales:

Excess right-of-way adjacent to 1300 New Brighton Blvd (USTP Services, LLC & FORT, LLC); 416 - 22nd Ave N (Urban Homeworks, Inc).

Saks Ground Lease, Parking Agreement & Sale Agreement: Extension.

Classification of Tax-Forfeited Land.

Hawthorne EcoVillage: Exclusive Development Rights to Project for Pride in Living.

Don't Borrow Trouble Campaign: Redirection of funds to Tenants in Foreclosure Project.

129 Plymouth Ave N: Exclusive Development Rights to Lupe Development Partners, LLC.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274455)

Metropolitan Council Livable Communities Act Housing Goals.

2010 Affordable Housing Incentive Fund: Approving Hennepin County Housing & Redevelopment Authority approval to provide financial assistance.

GRANTS AND SPECIAL PROJECTS (274456)

2009 Consolidated Annual Performance & Evaluation Report.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274457)

Parcel C & Heritage Landing Apartments TIF Plans: Modification No. 1 to Plans.

Lyndale Green TIF Plan: Establishment of Plan for area of W 28th St & Lyndale Ave S.

Environmental Protection Agency: Staff guidelines for utilization of grant funding.

Grain Belt Office Building (1215 Marshall St NE): Acceptance of MN Historical & Cultural Heritage grant award.

Minneapolis NSP2 Financing: Change in program administration from Hennepin County Housing, Community Works & Transit to Greater Metropolitan Housing Corp.

FINANCE DEPARTMENT (274458)

Housing Improvement Areas: Direction to Finance Officer to draft policy & related procedures.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (274459)

Metropolitan Urban Indian NRP Phase II Plan Modification No. 3.

PURCHASING (274460)

Bids:

A.M.E. Excavating, Inc dba All Metro Excavating: Low bid for demolition of 7 structures.

Moen Concreate, Inc: Low bid for demolition of 9 structures.

PUBLIC SAFETY AND HEALTH:

GREATER MINNEAPOLIS COUNCIL OF CHURCHES (274461)

Community Justice Program: Presentation materials.

REGULATORY SERVICES (274462)

Metropolitan Medical Response System: Request to contract with Lane Consulting to provide response planning for events involving radiological dispersion devices.

PUBLIC SAFETY AND HEALTH and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (274463)

Nice Ride Bike Share: Execute contract with Nice Ride Minnesota to expand current bike share network into North Minneapolis.

Lead Prevention Education: Execute contract with Minnesota Department of Health to accept funds to produce a lead poisoning prevention week community event.

Nurse Family Partnership Program: Execute contract with Minnesota Department of Health to accept funds for implementation of the program.

School Based Clinic Program: Execute contract with Minneapolis Public Schools to accept funds to expand mental health services at Washburn High School; and Execute contract with Stratis Health for consulting services in preparation for implementing electronic health records.

Skyway Senior Center: Accept funds from Ucare Fund of the Minnesota Medical Foundation to support operations at the Center.

POLICE DEPARTMENT (274464)

Police Enforcement around University of Minnesota: Execute agreement with University of Minnesota to provide enhanced police enforcement primarily in neighborhoods around the University campus.

Security Services at Gopher Football Games: Execute agreement with University of Minnesota to provide security at TCF Bank Stadium during 2010 football games.

Security Services at Vikings Football Games: Execute agreement with Metropolitan Sports Facilities Commission for Police and Public Works services for 2010 Vikings games.

REGULATORY, ENERGY AND ENVIRONMENT:

CENTER FOR ENERGY AND THE URBAN ENVIRONMENT (CEUE) (274465) Community Energy Services (CES) Program: Residential Retrofit Presentation.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274466)

Blackbird Cafe (3800 Nicollet Av): Grant On-Sale Wine Class D with Strong Beer License.

Buffalo Wild Wings Grill & Bar (2001 University Av SE): Application for On-Sale Liquor Class E with Sunday Sales License, and to expand the premises for seating for 116 people on the outdoor patio.

Cafe Target (1000 Nicollet Av): Grant On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (274467)

Kimchi House (307 Oak St SE): Approve Business License Operating Conditions relating to Restaurant License.

Pizzeria Lola (5557 Xerxes Av S): Approve Business License Operating Conditions relating to On-Sale Wine Class E with Strong Beer License.

Yak & Yeti (23 4th St NE): Approve Business License Operating Conditions relating to Restaurant License.

Tienda La Poblanita (1617 E Lake St): Approve License Settlement Conference recommendations relating to Grocery License.

REGULATORY SERVICES (274468)

Institutional Food: Ordinance regulating institutional food service and defining "institutional/congregate food service", "confectionery", "food manufacturer", and "restaurant".

Parking: Ordinance allowing for and regulating temporary event parking.

LICENSES AND CONSUMER SERVICES (274469)

Licenses: Applications.

REGULATORY SERVICES (274470)

Property at 2726 Stevens Av: Approve demolition.

REGULATORY SERVICES (274471)

Property at 3201 4th St N: Approve demolition.

REGULATORY SERVICES (274472)

Rental Dwelling License at 2728 17th Av S: Revoke license held by Robin Keaton.

REGULATORY SERVICES (274473)

Rental Dwelling License at 3503 Colfax Av N: Revoke license held by Kevin Murray.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274474)

Grant for Local Government and School District Renovations: Accept grant award from Minnesota Department of Commerce, Office of Energy Security, for energy conservation measures at five City facilities; Provide the required City match from various capital budget accounts; and Negotiate and execute documents associated with the grant. (9 votes)

REGULATORY SERVICES/PURCHASING (274475)

Bid for Demolition of 1020 Newton Av N: Accept low bid of Buberl Recycling and Composting to accomplish the demolition.

Bid for Demolition of 3001-11 E Lake St: OP #7332, accept low bid of Buberl Recycling and Composting to accomplish the demolition.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (274476)

Impact of Potential State Budget Cuts on Minneapolis Roadway Infrastructure: PowerPoint Presentation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274477)

Bid: OP 7345: Low bid of Engineering and Construction Innovations, linc., for repair of 2nd Ave storm tunnel.

WAYS AND MEANS BUDGET:

BUSINESS INFORMATION SERVICES (BIS) (274478) Budget Strategies Report. FIRE DEPARTMENT (274479) 2010 Budget Status Report. POLICE DEPARTMENT (274480) 2010 Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274481)

Reimbursement of Legal Fees: Chief of Police, Tim Dolan.

COMMUNICATIONS (274482)

October 2010 Utility Billing Insert: Fall street sweeping and leaf bags pickup.

MAYOR (274483)

United Against Illegal Guns Support Grant: Accept and appropriate grant funds for a Regional Coordinator to focus on public safety, illegal guns, and crime reduction.

FILED:

CHARTER COMMISSION (274484)

Resolution honoring former Chair James Bernstein.

Correspondence received from Council Member Gordon.

THE ACKERBERG GROUP (274485)

Vacate the alley spur located between 2003 James Ave N and 2009 James Ave N.

The following reports were signed by Mayor Rybak on September 8, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following report:

Comm of the Whole - Your Committee, having under consideration the recommendation of the Mayor to reappoint Donald Bellfield as the Civilian Police Review Authority chair, now recommends concurrence with the recommendation.

Samuels moved to amend the report by adding after "the Civilian Police Review Authority chair" the following language:

"to a term that runs January 1, 2010, through December 31, 2011". Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 9/3/2010. Yeas, 12; Nays, 1 as follows:

Yeas - Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Johnson.

Navs - Gordon.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends that the proper City officers be authorized to submit the City of Minneapolis 2009 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the acquisition and disposition of the excess right of way property adjacent to 1300 New Brighton Blvd from Hennepin County to USTP Services, LLC and FORT, LLC for \$12,000.

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-404, authorizing sale of land Broadway/I-35W Disposition Parcel Broadway/I-35W 4-1 & 2A (proposed address of 1302 New Brighton Blvd), was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-404 By Goodman

Authorizing sale of land Broadway/I-35W Disposition Parcel Broadway/I-35W 4-1 & 2A (1302 New Brighton Blvd-proposed address).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel Broadway/I-35W 4-1 & 2A, in the Mid-City Industrial neighborhood, from UTSP Services, LLC and FORT, LLC, hereinafter known as the Redeveloper, the Parcel Broadway/I-35W 4-1 & 2A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of Broadway/I-35W 4-1 & 2A; 1302 New Brighton Blvd. (Proposed Address): That part of the North ½ of the Southwest ¼ of the Northeast ¼ and of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 13, Township 29, Range 24, described as beginning at the intersection of the South line of the said North ½ of the Southwest ¼ of the Northeast ¼ and the centerline of vacated Old New Brighton Boulevard; thence on an assumed bearing of North 36 degrees 29 minutes 49 seconds East along the centerline of vacated Old New Brighton Boulevard a distance of 261.94 feet; thence North 0 degrees 07 minutes 12 seconds East a distance of 98.77 feet to the

Southerly right-of-way line of Interstate Highway No. 35W; thence South 78 degrees 34 minutes 12 seconds East a distance of 108.83 feet to the Easterly right-of-way line of Old New Brighton Boulevard; thence South 36 degrees 29 minutes 49 seconds West along said right-of-way line a distance of 35.86 feet to the southerly right-of-way line of Interstate Highway No. 35W; thence North 77 degrees 47 minutes 01 seconds East along said right-of-way line a distance of 54.34 feet; thence South 36 degrees 06 minutes West a distance of 11.38 feet; thence on a tangential curve concave to the Westerly having a radius of 1132.35 feet, a delta angle of 14 degrees 18 minutes 06 seconds, for a distance of 282.65 feet; thence South 50 degrees 24 minutes 06 seconds West tangent to last described curve a distance of 87.98 feet to the South line of said North ½ of the Southwest ¼ of the Northeast ¼; thence North 89 degrees 38 minutes 02 seconds West along said south line 26.79 feet to the point of beginning; and

Whereas, the Redeveloper has offered to pay the sum of \$12,000, for Parcel Broadway/I-35W 4-1 & 2A to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on August 13, 2010, a public hearing on the proposed sale was duly held on August 24, 2010, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Broadway/I-35W plan, as amended, is hereby estimated to be the sum of \$12,000 for Parcel Broadway/I-35W 4-1 & 2A.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 416 - 22nd Ave N to Urban Homeworks, Inc for \$1,500, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval:
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-405, authorizing sale of land Vacant Housing Recycling Program Disposition Parcel VH-212 at 416 - 22nd Ave N, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-405 By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel VH-212 at 416 - 22nd Avenue North.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-212 in the Hawthorne neighborhood from Urban Homeworks, Inc., hereinafter known as the Redeveloper, Parcel VH-212 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of VH-212; 416 22nd Avenue North: Lot 13 and the East 20 feet of Lot 14, Block 2, Nickels and Smith's Addition to Minneapolis. Being registered land as evidenced by Certificate of Title No. 1175361; and

Whereas, the Redeveloper has offered to pay the sum of 1,500 for Parcel VH-212 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for Parcel VH-212; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on August 13, 2010, a public hearing on the proposed sale was duly held on August 24, 2010, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$1,500 for Parcel VH-212.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning and Economic Development (CPED) Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof;

provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City. Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration the request of Brookfield LLC for an extension of the Saks Ground Lease, Parking Agreement, and Sale Agreement as relates to the Gaviidae I property to allow time to identify a qualified buyer and close the sale, now recommends that the proper City and/or Minneapolis Community Development Agency officers be authorized to execute a one year extension of the Saks Ground Lease, Parking Agreement, and Sale Agreement, to December 19, 2011.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration classification of tax forfeited land, now recommends passage of the accompanying resolution which approves the following:

- a) Classification of various properties as non-conservation land;
- b) Conveyance of one Hennepin County tax-forfeited property to the City of Minneapolis for \$1.00, in accordance with the Memorandum of Understanding between the two governmental entities;
- c) Conveyance of two Hennepin County tax-forfeited properties to the City of Minneapolis for the fair market value as agreed to by both parties, utilizing the deferred payment option as outlined in the Memorandum of Understanding between the two governmental entities;
- d) Authorizing a six-month hold of three tax-forfeited properties located in non-target neighborhoods and eight tax-forfeited properties located in target neighborhoods to allow the Department of Community Planning & Economic Development and Hennepin County staff to negotiate purchase; and
- e) Authorizing the Mayor and the City Clerk to sign an application for title registration which will be filed pursuant to Minnesota Statutes 508.03(6).

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-406, approving the classification of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-406 By Goodman

Approving the classification of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the properties listed below be withheld from public and private sale and conveyed to the City of Minneapolis Department of Community Planning and Economic Development (CPED):

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	Lot Size	<u>Legal Description</u>	Current Use
03 028 24 13 0023	Yes	8	46x128	Vacant, Boarded, Condemned	
3219 2ND AVE S Non-Conservation		R2B 05/20/10	5,873	LOT 022 BLOCK 009 BAKER ADDITION TO MINNEAPOLIS	
04 029 24 33 0132 3758 PENN AVE N Non-Conservation	No	4 C1 06/17/10	38x129 4,895	Vacar INCL ADJ 7 FT OF PENN AV VACATED LOT 030 BLOCK 0 "JOSEPHLOWRY'S ADDITIC MINNEAPOLIS"	004
16 029 24 13 0063	Yes	5	60x157	Vacant, Boarded, Co Apartmen	
2129 EMERSON AVE N		R2B	9,263	LOT 1 AND N 12 62/100 FT O BLOCK 033 HIGHLAND PARK ADDITION TO THE CITY OF	F LOT 2
Non-Conservation		06/17/10		MINNEAPOLIS	

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the properties listed below be withheld from sale for six months:

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	Lot Size	<u>Legal Description</u>	<u>Current</u> <u>Use</u>
12 118 21 23 0354 4904 HUMBOLDT AV N Non-Conservation	No I	4 R4 05/20/10	3,597	Irregular OUTLOT B HUMBOLDT (FIFTH ADDITION	Vacant Land GREENWAY
12 118 21 23 0355 1423 51 ST AVE N Non-Conservation	No	4 R4 05/20/10	Irregular 4,655	OUTLOT A HUMBOLDT OF FIFTH ADDITION	Vacant Land GREENWAY
09 029 24 44 0045 2611 LYNDALE AVE N Non-Conservation	Yes	3 R2B 05/28/10	42.6x126 5,369	LOT 005 BLOCK 004 FAII PARK ADDITION TO MIN	
01 028 24 14 0075 3216 30 TH AVE S Non-Conservation	No	9 R1A 06/03/10	42x159 6,678	Vacant, Boarded LOT 005 BLOCK 009 "RC SECOND ADDITION TO MINNEAPOLIS, MINNES	LLINS

16 029 24 22 0136 2334 LOGAN AVE N Non-Conservation	Yes	5 R2B 06/17/10	45x133 5,985	Vacant, Boarded, Condemned Duplex LOT 081 BLOCK 019 "FOREST HEIGHTS"
16 029 24 31 0020 1409 18th AVE N Non-Conservation	Yes	5 R2B 06/17/10	40x155 6,048	Vacant Duplex LOT 003 BLOCK 004 NORTH HIGH SCHOOL ADDITION TO MINNEAPOLIS
16 029 24 43 0125 1326 FREMONT AVE N Non-Conservation	Yes	5 R2B 06/17/10	41x155 6,398	Vacant, Boarded, Condemned Duplex LOT 023 BLOCK 020 "GALES SUBDIVISIONS IN SHERBURNE & BEEBE'S ADDITION TO MINNEAPOLIS"
17 029 24 42 0139 1639 WASHBURN A N Non-Conservation	Yes	5 R1A 06/17/10	40x127.4 5,080	Vacant Single Family LOT 006 BLOCK 002 "HIGHLAND ADDITION TO MINNEAPOLIS"
34 029 24 23 0171 2453 LYNDALE AVE S Non-Conservation	Yes	6 OR2 06/17/10	37.6x119 4,462	Occupied Single Family/Office LOT 017 BLOCK 002 " EARRANGEMENT OF FERGUSON'S ADDITION TO MINNEAPOLIS"
34 029 24 34 0051 2820 PILLSBURY AVE Non-Conservation	Yes	6 R2B 06/17/10	45x165 7,425	Vacant, Boarded, Condemned Single Family LOT 006 BLOCK 003 LINDLEY & LINGENFELTER'S ADDITION TO MINNEAPOLIS
35 029 24 14 0145 2527 18 [™] AVE S Non-Conservation	Yes	9 R2B 06/17/10	29x123 3,555	Vacant Single Family N ½ LOT 010 BLOCK 001 " GILPATRICK'S SECOND ADDITION TO MINNEAPOLIS"

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the properties listed below be released for public auction:

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	<u>Lot</u> size	<u>Legal Description</u>	<u>Current Use</u>
12 118 21 34 0147 4502 ALDRICH AVE N	No	4	40X127 5,073	LOT 011 BLOCK 0	
Non-Conservation		05/20/10		GILLESPIE'S 2ND MINNEAPOLISMIN	

02 028 24 22 0002 Yes 3013 PORTLAND AV S	8 OR2	40x118 4,720	Vacant Commercial Land THAT PART OF NW 1/4 OF NW 1/4 OF SEC 2 T 28 R 24 DESC AS FOL COM AT A PT ON E LINE OF PORTLAND AVE DIS 160 FT S OF N LINE OF SAID SEC 2 TH E 118 FT TH AT R/A S 40 FT TH W TO A PT ON SAID E LINE OF PORTLAND AVE 40 FT S FROM PT OF BEG TH N 40 FT
Non-Conservation	05/20/10		TO PT OF BEG UNPLATTED
17 028 24 43 0128 No 5231 WASHBURN AV S Non-Conservation	13 R1A 05/28/10	40x128 5,120	Occupied Single Family LOT 023 BLOCK 002 "WOODHOLME ACRES"
35 029 24 21 0020 Yes 813 21ST ST E Non-Conservation	6 NP/R4 05/28/10	50x134 6,700	Vacant Land Apartment W 50 FT LOT 001 BLOCK 001 ADDITION TO MINNEAPOLIS
16 029 24 13 0089 Yes 2020 FREMONT AVE N Non-Conservation	5 R5 05/28/10	46x157 7,222	Vacant Land N 8 FT OF LOT 12 AND S 38 FT OF LOT 13 BLOCK 034 HIGHLAND PARK ADDITION TO THE CITY OF MINNEAPOLIS
07 028 23 13 0072 No 4050 40TH AVE S Non-Conservation	12 R1A 06/03/10	40x129 5,120	Vacant Land LOT 014 BLOCK 003 "SMITH AND HOWE'S FIRST ADDITION TO MINNEAPOLIS"
07 028 23 24 0080 No 4021 SNELLING AVE Non-Conservation	12 R1A 06/03/10	40x150 6,000	Occupied Single Family LOT 030 BLOCK 001 "ELMHURST ADDITION TO MINNEAPOLIS"
15 029 24 22 0101 Yes 314 25TH AVE N Non-Conservation	3 R2B 06/17/10	40x86 3,440	Vacant Land E 40 FT OF LOTS 9 AND 10 BLOCK 001 WOODLAND PARK
15 029 24 22 0172 Yes 2414 LYNDALE AVE N Non-Conservation	3 R2B 06/17/10	43x156 6,751	Vacant Land LOT 012 BLOCK 004 WOODLAND PARK

16 029 24 21 0123 1401 25TH AVE N Non-Conservation	Yes	5 R1A 06/17/10	Irregular 9,075	LOT 001 BLOCK 010 "FORE HEIGHTS"	acant Land EST
35 029 24 34 0027 2929 11TH AVE S Non-Conservation	Yes	9 R5 06/17/10	40x126 5,120	LOT 021 BLOCK 001 ALLAI ANDERSONS SECOND 2 ^{NE} ADDITION TO MINNEAPOLI	D
35 029 24 41 0176 2720 17TH AVE S Non-Conservation	Yes	9 R2B 06/17/10	41x123.5 5,063	LOT 006 "STONEMANS REARRANGEMENT OF TH HALF OF BLOCK THREE (3 PETER'S ADDITION TO MINNEAPOLIS"	

Be it Further Resolved that the parcels listed below be designated as non-conservation land, and that all the property listed below be released for auction to adjacent owners:

PID Number Address	Targe	Ward Zoning et Forfeit Da	ate Lot Size	<u>Legal Description</u> <u>Current Use</u>
05 028 24 21 0441 3150 EXCELSIOR BLVD # S1 Non-Conservation	No	13 R6 05/20/10	IRREGULAR	Condo Parking Stall UNIT NO S1 CIC NO. 1474 CONDOS AT LAKE CALHOUN CONDOMINIUM
05 028 24 21 0442 3150 EXCELSIOR BLVD # S2 Non-Conservation	No	13 R6 05/20/10	IRREGULAR	Condo Parking Stall UNIT NO S2 CIC NO. 1474 CONDOS AT LAKE CALHOUN CONDOMINIUM
05 028 24 21 0452 3150 EXCELSIOR BLVD # S12 Non-Conservation	No	13 R6 05/20/10	IRREGULAR	Condo Parking Stall UNIT NO S12 CIC NO. 1474 CONDOS AT LAKE CALHOUN CONDOMINIUM
05 028 24 21 0456 3150 EXCELSIOR BLVD # S16 Non-Conservation	No	13 R6 05/20/10	IRREGULAR	Condo Parking Stall UNIT NO S16 CIC NO. 1474 CONDOS AT LAKE CALHOUN CONDOMINIUM

05 028 24 21 0458 3150 EXCELSIOR BLVD # S18 Non-Conservation	No	13 IRREG R6 05/20/10	ULAR	Condo Parking Stall UNIT NO S18 CIC NO. 1474 CONDOS AT LAKE CALHOUN CONDOMINIUM
24 029 24 24 0072 712 11TH AVE S E Non-Conservation	Yes	3 R2B 06/03/10	48x41 1,968	Vacant Land THAT PART OF LOT 92 AUD SUBD NO 28 AND THAT PART OF LOT 12 BLK 13 THWINGS ADDN TO MPLS LYING NELY OF A LINE PARALLEL WITH AND 105 FT NELY FROM THE NELY LINE OF SEVENTH ST SE AUDITOR'S SUBDIVISION NO. 028 HENNEPIN COUNTY, MINN
15 029 24 22 0034 2306 6TH ST N Non-Conservation	Yes	3 R2B 06/17/10	35x80 2,800	Vacant Land N 35 FT OF W 80 FT LOT 009 BLOCK 008 COBB'S ADDITION TO NORTHMINNEAPOLIS

Be It Further Resolved that the city is authorized to file an application for title registration on the taxforfeited properties listed in this resolution for acquisition by the City of Minneapolis signed by the Mayor and the City Clerk pursuant to Minnesota Statutes 508.03(6).

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration the Hawthorne EcoVillage multi-family housing development, now recommends the granting of Exclusive Development Rights to Project for Pride in Living for 12 months on five City-owned parcels at 3110 and 3116 Lyndale Ave N, 617 Lowry Ave N, 3113 and 3117 6th St N; and the granting of Exclusive Development Rights for 24 months on two City-owned parcels at 3101 and 3107 - 6th St N.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration a request from the Family Housing Fund to redirect \$100,000 in funds currently dedicated to the Don't Borrow Trouble Campaign to a new initiative called the Tenants in Foreclosure Project, now recommends approval of the redirection of funds.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration development of property at 129 Plymouth Ave N, now recommends the granting of Exclusive Development Rights to Lupe Development Partners, LLC to 129 Plymouth Ave N for one year (through 8/24/2011), contingent upon the City's acquisition of that property from MnDOT, with one potential extension through 8/24/2012, as described in the Department of Community Planning & Economic Development staff report.

Further, that City staff be directed to continue its analysis of Lupe's proposal, negotiate mutually agreeable terms and conditions for a redevelopment agreement under the basic framework outlined in the CPED report, and return to the Council for authorization and further direction when appropriate.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee, having under consideration the Metropolitan Council Livable Communities Act Housing Goals, now recommends adoption of the goal range of 4,200 affordable housing units to 9,300 lifecycle housing units for the period of 2011 to 2020, and passage of the accompanying resolution establishing these goals and confirming the continuation of the City of Minneapolis's participation in the Livable Communities Act.

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-407, establishing Metropolitan Council Livable Communities Act Housing Goals and confirming the continuation of the City of Minneapolis' participation in the Livable Communities Act, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-407 By Goodman

Establishing Metropolitan Council Livable Communities Act Housing Goals and confirming the continuation of the City of Minneapolis' participation in the Livable Communities Act.

Whereas, the Metropolitan Livable Communities Act (Minnesota Statutes sections 473.25 to 473.255) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes section 473.121; and

Whereas, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account, the Local Housing Incentive Account and the Inclusionary Housing Account, is intended to provide certain funding and other assistance to metropolitan-area municipalities; and

Whereas, a metropolitan-area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Employment and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254; and

Whereas, the Metropolitan Livable Communities Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide; and

Whereas, previously negotiated affordable and life-cycle housing goals for municipalities participating in the Local Housing Incentives Account Program expire in 2010; and

Whereas, a metropolitan-area municipality can participate in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254 if: (a) the municipality elects to participate in the Local Housing Incentives Program; (b) the Metropolitan Council and the municipality successfully negotiate new affordable and life-cycle housing goals for the municipality; (c) the Metropolitan Council adopts by resolution the new negotiated affordable and life-cycle housing goals for the municipality; and (d) the municipality establishes it has spent or will spend or distribute to the Local Housing Incentives Account the required Affordable and Life-Cycle Housing Opportunities Amount (ALHOA) for each year the municipality participates in the Local Housing Incentives Account Program;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act for calendar years 2011 through 2020.

Be It Further Resolved that the City agrees to the following affordable and life-cycle housing goals for calendar years 2011 through 2020:

Affordable Housing Goals 4,200

Life-Cycle Housing Goals 9,300

Be It Further Resolved that the City will prepare and submit to the Metropolitan Council aplan identifying the actions it plans to take to meet its established housing goals.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev - Your Committee recommends passage of the accompanying resolution granting approval for the Hennepin County Housing and Redevelopment Authority (HRA) to provide financial assistance from the 2010 Affordable Housing Incentive Fund (AHIF) to the following eight projects in Minneapolis:

2810 & 2816 Bloomington Ave (\$50,000)

City of Lakes CLT Homebuyer Initiated Program (\$150,000)

Gateway Lofts (\$200,000)

J. Jerome Boxleitner Place (\$1,000,000)

MN Lead-Safe Housing (\$100,000)

Tax Forfeited to Affordable Housing (\$100,000)

Touchstone (\$400,000)

Urban Homeworks Rental: Reclaim (\$460,000)

Adopted 9/3/2010. Absent - Colvin Roy.

Resolution 2010R-408, granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to 2810 and 2816 Bloomington (\$50,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$150,000), Gateway Lofts (\$200,000), J. Jerome Boxleitner Place (\$1,000,000), MN Lead-Safe Housing (\$100,000), Tax Forfeited to Affordable Housing (\$100,000), Touchstone (\$400,000), and Urban Homeworks Rental: Reclaim (\$460,000) under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes Section 383B.77, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-408 By Goodman

Granting approval for the Hennepin County Housing and Redevelopment Authority to provide financial assistance to 2810 and 2816 Bloomington (\$50,000), City of Lakes Community Land Trust Homebuyer Initiated Program (\$150,000), Gateway Lofts (\$200,000), J. Jerome Boxleitner Place (\$1,000,000), MN Lead-Safe Housing (\$100,000), Tax Forfeited to Affordable Housing (\$100,000), Touchstone (\$400,000), and Urban Homeworks Rental: Reclaim (\$460,000) under the Minnesota Housing and Redevelopment Authorities Act and Minnesota Statutes Section 383B.77.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development that the County HRA proposes to provide financial assistance from Hennepin County's Affordable Housing Incentive Fund in an amount up to \$2,460,000, to the City of Minneapolis (the "City") for the eight (8) projects in Minneapolis, Minnesota identified in the attached spreadsheet (the "Projects"); and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, subd. 2, the County HRA cannot exercise its powers within the boundaries of the City unless the City requests the County HRA to exercise specific powers within the City: and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance for the Projects in the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, Section 469.005, the City Council hereby declares there is a need for and approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the Projects in the City, which Projects have requested, or may hereafter request, financial assistance in the combined amount up to \$2,460,000 from the County HRA.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City to assist the Projects, nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Projects.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the Projects, and the City shall retain all other powers and jurisdiction over matters relating to the City and the Projects.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects to be undertaken.

Adopted 9/3/2010.

Absent - Colvin Roy.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration Modification No. 1 to the Parcel C (block between 2nd St S & Washington Ave S, and 5th & Portland Aves S) Tax Increment Financing Plan (TIF), and Modification No. 1 to the Heritage Landing Apartments (a 229-unit mixed-income rental housing project at 415 - 1st St N) TIF Plan, both of which amend the project budgets, update other financial information and add language describing the use of tax increment revenues to assist qualified low-income rental housing projects elsewhere in the City, now recommends passage of the accompanying resolution approving Modification No. 1 to the Parcel C TIF Plan and Modification No. 1 to the Heritage Landing Apartments TIF Plan.

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-409, approving Modification No 1 to the Heritage Landing Apartments Tax Increment Finance Plan and Modification No 1 to the Parcel C Tax Increment Finance Plan, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-409 By Goodman and Hodges

Approving Modification No 1 to the Heritage Landing Apartments Tax Increment Finance Plan and Modification No 1 to the Parcel C Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis: Section 1. Recitals

- 1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").
- 1.2. By Resolution 98R-431 duly adopted November 13, 1998 and approved November 18, 1998, the City approved the Heritage Landing Apartments Tax Increment Finance Plan and thereby established the Heritage Landing Apartments Tax Increment Financing District.
- 1.3. By Resolution 2001R-517 duly adopted and approved December 14, 2001, the City approved the Parcel C Tax Increment Finance Plan and thereby established the Parcel C Tax Increment Financing District.
- 1.4. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, Modification No 1 to the Heritage Landing Apartments Tax Increment Finance Plan and Modification No 1 to the Parcel C Tax Increment Finance Plan (collectively, the "Modifications"). The Modifications amend the project budgets, update other financial information, and add language describing the use of tax increment revenues to assist qualified low-income rental housing projects elsewhere within the city, in accordance with Minnesota Statutes Sections 469.176, Subd 4k and 469.1763, Subd 2, paragraph (d).
- 1.5. The City has performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings

- $2.1.\ The\ Council\ hereby\ finds,\ determines\ and\ reaffirms\ the\ findings\ made\ in\ Resolutions\ 98R-431$ and 2001R-517.
- 2.2. The Council further finds, determines and declares that the objectives and actions authorized by the Modifications are all pursuant to and in accordance with the Project Laws.
- 2.3. The Council further finds, determines and declares that the Modifications conform to the general plan for the development or redevelopment of the city as a whole.
- 2.4. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modifications.

Section 3. Approval of the Modifications

3.1. Based upon the findings set forth in Section 2 hereof, the Modifications presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Modifications, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration the proposed Lyndale Green Tax Increment Financing (TIF) Plan, prepared to facilitate the redevelopment of the Salem English Lutheran Church site at W 28th St and Lyndale Ave S into a mixed-use, mixed-income new construction project, now recommends:

- a) Passage of the accompanying resolutions -
 - 1) Approving the Lyndale Green TIF Plan;

- 2) Increasing the 2010 General Appropriation Resolution by establishing the Department of Community Planning & Economic Development (CPED) Fund 01CLG Lyndale Green (01CLG-8900900) and approving an initial appropriation of \$5,000 in said fund;
- Authorizing the issuance of two Limited Revenue Pay-As-You-Go Tax Increment Financing Notes to Brighton Lyndale Development, LLC or its affiliates, in total principal amounts not to exceed \$567,200;
- b) Approval of the proposed redevelopment contract business terms as described in the CPED staff report;
- c) Authorization for a \$245,000 Great Streets Gap Financing Loan to Brighton Lyndale Development, LLC from the already appropriated Community Development Block Grant allocation budgeted in 2007-2008;
- d) That the proper City officers be authorized to execute the redevelopment and other funding agreements with Brighton Lyndale Development, LLC or its affiliates, based on the terms contained in the staff report, and all other necessary documents related to the above recommended actions.

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-410, approving the Lyndale Green Tax Increment Financing Plan (for redevelopment of site at W 28th St and Lyndale Ave S), was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-410 By Goodman and Hodges

Approving the Lyndale Green Tax Increment Financing Plan.

Resolved by the City Council of the City of Minneapolis: Section 1. Recitals

- 1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein
- 1.2. By Resolution 2008R-454 duly adopted October 24, 2008 and approved October 27, 2008, the City approved the Lyndale Green Redevelopment Plan and thereby established the Lyndale Green Redevelopment Project (the "Project Area").
- 1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Lyndale Green Tax Increment Financing Plan (the "TIF Plan"). The TIF Plan creates a new housing TIF district (the "TIF District") within the Project Area, designates property to be included in the TIF District, states the City's objectives, describes proposed development activity, and identifies a budget for expenditures, all pursuant to and in accordance with the Project Laws.
- 1.4. The City has performed all actions required by law to be performed prior to the adoption of the TIF Plan, including, but not limited to, a review of the proposed TIF Plan by the affected neighborhood group and the City Planning Commission, transmittal of the proposed Plan to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings and Election

(collectively, the "Project Laws").

- 2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the TIF Plan are all pursuant to and in accordance with the Project Laws.
- 2.2. The Council further finds, determines and declares that the TIF Plan conforms to the general plan for the development or redevelopment of the city as a whole.

- 2.3. The Council further finds, determines and declares that the TIF Plan will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.
- 2.4. The Council further finds, determines and declares that the land in the Project Area and TIF District would not be made available for redevelopment without the financial aid and public assistance to be sought.
- 2.5. The Council further finds, determines and declares that the Lyndale Green TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, and 469.1761, Subdivisions 1 and 3.
- 2.6. The Council further finds, determines and declares that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.
- 2.7. The Council further finds, determines and declares that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increment for the maximum duration of the district permitted by the TIF Plan.
- 2.8. The Council further finds, determines and declares that the reasons and facts supporting the findings in this resolution are described in the TIF Plan.
- 2.9. The Council elects the method of computation provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a). The Council acknowledges that, by making this election, the entire fiscal disparity contribution required of the City for development occurring within this district will be taken from outside the Lyndale Green TIF District.
- 2.10. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the TIF Plan.

Section 3. Approval of the TIF Plan

3.1. Based upon the findings set forth in Section 2 hereof, the TIF Plan presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the TIF Plan

- 4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the TIF Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.
- 4.2. As provided under Minnesota Statutes, Section 469.1781, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this TIF District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. The term of this advance shall end upon the termination of the TIF District, although as revenues are available in the fund for the TIF District, the advance shall be offset by such amounts.

Adopted 9/3/2010.

Absent - Colvin Roy.

Resolution 2010R-411, authorizing the issuance of one or more tax increment limited revenue notes in substantially the form recited herein in a cumulative principal amount not exceeding \$567,200 in connection with the Lyndale Green Project, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-411 By Goodman and Hodges

Authorizing the issuance of one or more tax increment limited revenue notes in substantially the form recited herein in a cumulative principal amount not exceeding \$567,200 in connection with the Lyndale Green Project.

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a housing development project known as the Lyndale Green Project (the "Project") pursuant to the Lyndale Green Redevelopment Plan dated August 29, 2008, and adopted October 24, 2008 (the "Redevelopment Plan"); and

Whereas, pursuant to the TIF Act and in furtherance of the Redevelopment Plan, the City has approved the Lyndale Green Tax Increment Finance Plan dated July 9, 2010, and adopted September 3, 2010 (the "TIF Plan"); and

Whereas, pursuant to the TIF Plan and the TIF Act, specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Lyndale Salem Green Limited Partnership, a Minnesota limited partnership (the "Developer"), and Brighton Lyndale Development, LLC (the "General Partner") pursuant to which the City will provide tax increment financing assistance and the Developer and General Partner will develop a 63-unit rental housing project, with 63 affordable housing units, approximately 7,300 square feet of commercial space, and related site and public improvements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That it is desirable that the City issue two tax increment limited revenue note (the "Notes") in substantially the following forms:

[FORM OF TIF NOTE 1]

Lyndale Salem Green Limited Partnership TaxID#

UNITED STATES OF AMERICA STATE OF MINNESOTA COUNTY OF HENNEPIN CITY OF MINNEAPOLIS

TAXINCREMENT LIMITED REVENUE NOTE (Lyndale Green Project)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Lyndale Salem Green Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being Four Hundred Forty-Two Thousand Two Hundred and

No/100 Dollars (\$442,200.00) or such lesser amount as may equal the certified Public Costs allocated to TIF Note 1 as described in Section 4.01(d) of the Contract, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"Approximately" means give or take a difference of not more than 10% of the square footage.

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"<u>Certificate of Completion</u>" means a Certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract certifying that Minimum Improvements have been substantially completed.

"Commercial Improvements" means Approximately 7,300 square feet of commercial space and related improvements as described in the Contract.

"Commercial Property" means the real property legally described in Exhibit C, upon which the Minimum Improvements other than the Housing Improvements will be constructed.

"<u>Contract</u>" means that certain Redevelopment Contract by and among the City, the Developer and Brighton Lyndale Development, LLC, dated [insert date], 2010.

"<u>Declaration of Restrictive Covenants</u>" means the Declaration of Restrictive Covenants executed by the Developer in favor of the City dated _______, 20____ that is filed against the Housing Property.

"<u>Development Project</u>" means the Lyndale Green Development Project, which includes the Property.

"<u>District</u>" means the Lyndale Green Tax Increment Financing District within the Development Project.

"Housing Improvements" means 32 one-bedroom rental housing Units and 31 two-bedroom rental housing Units plus 99 parking spaces, 52 of which will be underground, and related improvements as described in the Contract.

"<u>Housing Property</u>" means the real property legally described in **Exhibit B**, upon which the Housing Improvements will be constructed.

"<u>Maturity Date</u>" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"<u>Minimum Improvements</u>" means new construction of 63 rental housing units, Approximately 7,300 square feet of commercial space, 99 parking spaces, 52 of which will be underground, and related improvements as described in the Contract.

"<u>Note Rate</u>" means six and one half percent (6.5%) simple interest per annum calculated on a 360-day-year basis.

"Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date, provided that in no event will any payment date occur before the City's issuance of the Certificate of Completion under the terms of the Contract.

"<u>Property</u>" – means the real property legally described in **Exhibit A**, upon which the Minimum Improvements will be constructed.

"<u>Public Costs</u>" means actual Public Costs as defined in the Contract, not in excess of \$567,200 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"Public Costs Certification" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Costs pursuant to the terms of the Contract.

"<u>Tax Increment</u>" means that portion of the property taxes generated by the Housing Property and Housing Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"<u>Tax Increment Act</u>" means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If, after issuance of the Certificate of Completion the Developer is in default under the Contract or Declaration of Restrictive Covenants, and, after notice by the City to the Developer as provided in Section 9.02 of the Contract, such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the City's obligations under this Note are terminated. The City may not suspend payments on this Note after issue of the Certificate of Completion for a default under the Contract by the General Partner. If payments are suspended due to a Default under the Declaration of Restrictive Covenants, the City is not obligated to pay to the Developer the amount of the suspended payments that would otherwise have been paid to the Developer between the date the payment is suspended and the date the default is cured. Otherwise, if the City suspends payments due under this Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer's cure of the Default to the City's satisfaction. In no event is the City obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Developer. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Developer or other Housing Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Housing Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

on the date of such payment is legal tender for p transfer, check or draft made payable to th	oin or currency of the United States of America which ublic and private debts and shall be made by wire e Developer and mailed to the Developer at , MN 554, or such other address as the Developer
shall provide in writing to the City's notice addres	
	not a general obligation of the City, which has been
issued by the City pursuant to and in full conform	nity with the Constitution and laws of the State of
Minnesota, including Minnesota Statutes, Section	469.178, subdivision 4, to aid in financing a "project",
	ly of defraying certain public redevelopment costs
incurred by the Developer within and for the bene	•
	TE OF MINNESOTA (THE "STATE"), OR ANY
	ING THE CITY OF MINNEAPOLIS, MINNESOTA,
	DTO MAKE PAYMENTS FROM AVAILABLE TAX
	NEITHER THE STATE NOR ANY POLITICAL
	, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR
	S FROM AVAILABLE TAX INCREMENT AS SET
•	AYABLE OUT OF ANY FUNDS OR PROPERTIES
OTHER THAN AVAILABLE TAX INCREMENT A	n, unless the City has been provided with an opinion
· ·	er is exempt from registration and official statement
·	te securities law and an investment letter reasonably
acceptable to the City.	te securities law and armives the filterier reasonably
•	ute a charge upon any funds of the City, and the City
	emed to have obligated itself to pay hereon from any
	then only to the extent and in the manner herein
·	mercial Property or Commercial Improvements shall
go toward payment of this Note.	
•	to have the right to compel any exercise of any taxing
·	ither the City nor any person executing or registering
	n of the issuance of registration thereof or otherwise.
	that all acts, conditions and things required by the
Constitution and the laws of the State of Minnesota	to be done, to have happened, and to be performed
precedent to and in the issuance of this Note have be	een done, have happened, and have been performed
in regular and due form, time, and manner as requ	uired by law; that this Note is issued pursuant to the
Tax Increment Act; and that this Note together wit	th all other indebtedness of the City outstanding on
the date hereof and on the date of its actual issuar	nce and delivery, does not cause the indebtedness
of the City to exceed any constitutional or statuto	ory limitation thereon.
(Signature p	page follows.)
IN WITNESS WHEREOF, the City of Minneapolis	s, by action of its City Council, has caused this Note
to be executed by the manual signature of its Fina	ance Officer, and has caused this Note to be dated
,2010.	
	CITY OF MINNEAPOLIS
	By
	Patrick Born
	Its Finance Officer
Approved as to form:	
Assistant City Attorney	

EXHIBIT A TO TIF NOTE 1 Description of the Property

Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, and the West 19.42 feet of Lot 5 except the North 8.00 feet thereof, Block 2, Grover's Addition to Minneapolis, Hennepin County, Minnesota;

Together with that part of the vacated north-south alley in said Block 2, Grover's Addition to Minneapolis, lying south of the westardly extension of the South line of the North 8 feet of said Lot 5:

Together with, Lot 4, Lot 5, Lot 6, and the West 25.42 feet of Lot 3, Block 1, Coe's Addition to Minneapolis, Hennepin County, Minnesota;

Together with that part of vacated east-west alley in said Block 1 lying northerly and adjoining said Lot 3, Lot 4, Lot 5, and Lot 6 and lying west of the northerly extension of east line of the West 25.42 feet of said Lot 3.

EXHIBIT B TO TIF NOTE 1 Description of Housing Property

That portion of the Property described as: (To be determined)

EXHIBIT C TO TIF NOTE 1

Description of Commercial Property

That portion of the Property described as: (To be determined)

[FORM OF TIF NOTE 2]

Brighton Lyndale Development, LLC TaxID#

UNITED STATES OF AMERICA STATE OF MINNESOTA COUNTY OF HENNEPIN CITY OF MINNEAPOLIS

TAXINCREMENT LIMITED REVENUE NOTE (Lyndale Green Project)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Brighton Lyndale Development LLC, a Minnesota limited liability company (the "Investor"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being One Hundred Twenty-Five Thousand and No/100 Dollars (\$125,000.00) or such lesser amount as may equal the certified Public Costs allocated to TIF Note 2 as described in Section 4.01(d) of the Contract, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"Approximately" means give or take a difference of not more than 10% of the square footage.

- "Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to Minnesota Statutes, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.
- "<u>Certificate of Completion</u>" means a Certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract certifying that Minimum Improvements have been substantially completed.
- "Commercial Improvements" means Approximately 7,300 square feet of commercial space and related improvements as described in the Contract.
- "<u>Commercial Property</u>" means the real property legally described in **Exhibit B**, upon which the Commercial Improvements will be constructed.
- "<u>Contract</u>" means that certain Redevelopment Contract by and among the City, the Investor, and the Developer dated [insert date], 2010.
- "<u>Declaration of Restrictive Covenants</u>" means the Declaration of Restrictive Covenants executed by the Developer in favor of the City dated _______, 20____ that is filed against the Housing Property.
- "<u>Developer</u>" means Lyndale Salem Green Limited Partnership, a Minnesota limited partnership and developer of the Housing Improvements.
- "<u>Development Project</u>" means the Lyndale Green Development Project, which includes the Property.
- "<u>District</u>" means the Lyndale Green Tax Increment Financing District within the Development Project.
- "Housing Improvements" "means 32 one-bedroom rental housing Units and 31 two-bedroom rental housing Units plus 99 parking spaces, 52 of which will be underground, and related improvements as described in the Contract.
- "<u>Housing Property</u>" means the real property legally described in **Exhibit C**, upon which the Housing Improvements will be constructed.
- "<u>Maturity Date</u>" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.
- "Minimum Improvements" means new construction of 63 rental housing units, Approximately 7,300 square feet of commercial space, 99 parking spaces, 52 of which will be underground, and related improvements as described in the Contract.
- "<u>Note Rate</u>" means seven and one half percent (7.5%) simple interest per annum calculated on a 360-day-year basis.
- "Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date, provided that in no event will any payment date occur before the City's issuance of the Certificate of Completion under the terms of the Contract.

"<u>Property</u>" means the real property legally described in **Exhibit A**, upon which the Minimum Improvements will be constructed.

"<u>Public Costs</u>" means actual Public Costs as defined in the Contract, not in excess of \$567,200 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"Public Costs Certification" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Costs pursuant to the terms of the Contract.

"<u>Tax Increment</u>" means that portion of the property taxes generated by the Commercial Property and Commercial Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"<u>Tax Increment Act</u>" means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Investor an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If, after issuance of the Certificate of Completion the Developer or the Investor is in default under the Contract or Declaration of Restrictive Covenants, and, after notice by the City to the Investor and Developer as provided in Section 9.02 of the Contract, such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the City's obligations under this Note are terminated. If payments are suspended due to a Default under the Declaration of Restrictive Covenants, the City is not obligated to pay to the Investor the amount of the suspended payments that would otherwise have been paid to the Investor between the date the payment is suspended and the date the default is cured. Otherwise, if the City suspends payments due under this Note, the City shall make the suspended payments to the Investor within ten (10) business days after the Investor's or Developer's cure of the Default to the City's satisfaction. In no event is the City obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Investor. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Investor or other Commercial Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Commercial Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Investor and mailed to the Investor at _______, Minneapolis, MN 554_____, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of

Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified. No Tax Increment generated by the Housing Property or the Housing Improvements shall go toward payment of this Note.

The Investor shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

(Signature page follows.)

	by the manual signature of	eapolis, by action of its City Council, has caused its Finance Officer, and has caused this Note to
	C	TYOFMINNEAPOLIS
	Ву	<i></i>
		Patrick Born Its Finance Officer
Approved as to form:		
Assistant City Attorney		

EXHIBIT A TO TIF NOTE 2
Description of the Property

Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, and the West 19.42 feet of Lot 5 except the North 8.00 feet thereof, Block 2, Grover's Addition to Minneapolis, Hennepin County, Minnesota;

Together with that part of the vacated north-south alley in said Block 2, Grover's Addition to Minneapolis, lying south of the westardly extension of the South line of the North 8 feet of said Lot 5;

Together with, Lot 4, Lot 5, Lot 6, and the West 25.42 feet of Lot 3, Block 1, Coe's Addition to Minneapolis, Hennepin County, Minnesota;

Together with that part of vacated east-west alley in said Block 1 lying northerly and adjoining said Lot 3, Lot 4, Lot 5, and Lot 6 and lying west of the northerly extension of east line of the West 25.42 feet of said Lot 3.

EXHIBIT B TO TIF NOTE 2 Description of Commercial Property

That portion of the Property described as: (To be determined)

EXHIBIT C TO TIF NOTE 2 Description of Housing Property

That portion of the Property described as: (To be determined)

- 2. Be It Further Resolved that the form of the Notes are hereby approved and shall be executed by the Finance Officer in substantially the forms on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.
- 3. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Notes are hereby approved, ratified and confirmed.
- 4. Be It Further Resolved that the sale of said Notes are hereby approved and TIF Note 1 is hereby directed to be sold to the Developer and TIF Note 2 is hereby directed to be sold to the General Partner upon the terms and conditions set forth in the Redevelopment Contract.
- 5. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Notes.
- 6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Notes or in any other document related to the Notes, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Notes, as provided therein and in the Redevelopment Contract. The Notes shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Notes shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Notes or the interest thereon, or to enforce payment hereon against any property of the City. The Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.
- 7. Be It Further Resolved that the Notes, when executed and delivered, shall contain a recital that they are issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Notes and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Notes and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Notes and

precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

8. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted 9/3/2010. Absent - Colvin Roy.

RESOLUTION 2010R-412 By Goodman and Hodges

Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing the Department of Community Planning & Economic Development Fund 01CLG – Lyndale Green (01CLG-8900900) and approving an initial appropriation of \$5,000 in said fund.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7312 from A.M.E. Excavating, Inc, dba All Metro Excavating, in the amount of \$87,900, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the demolition and site clearance of the seven following structures per the bid specifications:

3738 Fremont Ave N

1320 Knox Ave N

2023 Queen Ave N

2638 Girard Ave N

2938 Sheridan Ave N

1514 Thomas Ave N

2700 Morgan Ave N

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7317 from Moen Concrete, Inc, in the amount of \$167,600, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the demolition and site clearance of the nine following structures per the bid specifications:

2501 4th St N

2321 4th St N

2714 Colfax Ave N

642 Buchanan St NE

1911 EM Stately St

2623 Newton Ave N

2659 Queen Ave N

3750 Queen Ave N

2218 Lyndale Ave N

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration guidelines for utilization of Environmental Protection Agency (EPA) brownfield assessment grant funding, now recommends approval of the following amended guidelines identifying the following categories of environmental investigations that would qualify for the use of the EPA grant funds:

- 1. Environmental investigations required for planned or potential development projects located within the following three focus areas identified in the EPA grant application:
 - a) North Washington Industrial Park
 - b) Bassett Creek Valley/Heritage Park
 - c) Franklin Street LRT Station
- 2. Environmental investigations involving properties currently or formerly owned by the City (follow-up work required for former leak sites, suspected underground tanks, abandoned wells, etc.) or properties being considered for acquisition by the City or by the City's non-profit development partners.
 - 3. Emergency environmental investigations where both of the following circumstances exist:
- a) The investigation is reasonably likely to reduce the possibility that an existing Minneapolis business will fail, move out of Minneapolis or be required to reduce its workforce.
- b) Timing considerations require that funding for the investigation be finalized before the next semi-annual round of applications to DEED, the Metropolitan Council or Hennepin County.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a \$125,000 Historical and Cultural Heritage Grant from the Minnesota Historical Society for the Grain Belt Office Building at 1215 Marshall St NE, and to execute a grant agreement with the Minnesota Historical Society. Further, passage of the accompanying resolution appropriating \$125,000 to the Department of Community Planning & Economic Development.

Adopted 9/3/2010.

Absent - Colvin Roy.

RESOLUTION 2010R-413 By Goodman and Hodges

Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grants-Other Fund (01600-8900320) by \$125,000 and increasing the revenue budget (01600-8900900-321513) by \$125,000.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Metropolitan Urban Indian Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan Modification #3, that would reallocate \$148,053.38 of NRP funds from Housing Goal I, Objective 1, Strategy 1-Support Women of Nations Eagles Flight Center to a newly developed Phase II Housing Goal 2, to build an elders housing facility, now recommends:

- a) Approval of the modification by creating new language as follows: <u>Goal 2 "Work within the American Indian community and surrounding neighborhoods to address the housing needs of elders"</u>, <u>Objective 1 "Develop and build facilities to house elders in south Minneapolis communities where they are close to programs and services" Strategy 1 "Build a housing facility to serve elders who are capable of independent living, with supportive atmosphere";</u>
 - b) Approval of the reallocation of \$148,053.38 to fund this plan modification; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said modification.

Adopted 9/3/2010.

Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration a proposal to a establish housing improvement area (HIA), a financing tool available to home rule charter and statutory cities in Minnesota, now recommends that the Minneapolis Finance Officer be directed to draft for City Council consideration a HIA policy and related procedures, as set forth in the Finance Department staff report.

Adopted 9/3/2010. Absent - Colvin Roy.

Comm Dev & W&M/Budget - Your Committee, having under consideration Minneapolis Neighborhood Stabilization Program 2 (NSP2) financing and a proposed contracting change in Minneapolis Program Administration from Hennepin County Housing, Community Works & Transit to the Greater Metropolitan Housing Corporation (GMHC), now recommends approval of said contracting change, and that the proper City officers be authorized to amend the GMHC's contract by increasing it by \$1,500,000 to cover NSP Financing program costs.

Adopted 9/3/2010.

Absent - Colvin Roy.

The PUBLIC SAFETY & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the University of Minnesota to receive \$60,000 to provide enhanced police enforcement primarily in the neighborhoods around the University campus during football and other campus events as requested by the University of Minnesota Police. Further, passage of the accompanying resolution appropriating \$60,000 to the Police Department.

Adopted 9/3/2010.

RESOLUTION 2010R-414 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Revenue Fund (01210-4002750) by \$60,000. Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the University of Minnesota to receive \$14,200 to provide security (Bomb and Canine Units) at 2010 Gopher football games at the TCF Bank Stadium. Further, passage of the accompanying resolution appropriating \$14,200 to the Police Department

Adopted 9/3/2010.

RESOLUTION 2010R-415 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Revenue Fund (01210-4002750) by \$14,200.

Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Metropolitan Sports Facilities Commission to receive reimbursement in the total amount of \$202,000 for the City to provide security and perimeter management services by the Police and Public Works Departments for the 2010 Minnesota Vikings football games at the Metrodome. Further, passage of the accompanying resolution appropriating \$117,000 to the Police Department and \$85,000 to the Public Works Department.

Adopted 9/3/2010.

RESOLUTION 2010R-416

By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. Increasing the appropriation for the Police Department Agency in the General Fund (00100-4004100) by \$117,000.
- b. Increasing the appropriation for the Public Works Agency in the General Fund (00100-6070500-345501) by \$85,000.

Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Nice Ride Minnesota, in the amount of \$228,500, to expand the current "Nice Ride bike share" network into North Minneapolis. The project will be funded by the Communities Putting Prevention to Work grant beginning in September 2010, with a completion date to follow implementation of bike share kiosks in North Minneapolis, which shall be no later than March 31, 2012.

Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the Minnesota Department of Health to accept \$1,500 to produce a Lead Poisoning Prevention Week community event. Further, passage of the accompanying resolution appropriating \$1,500 to the Department of Health & Family Support.

Adopted 9/3/2010.

RESOLUTION 2010R-417 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Federal Fund (01300-8600130) by \$1,500 and increasing the Revenue Source (01300-8600130 Source 321007) by \$1,500.

Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the Minnesota Department of Health to accept \$29,702 for implementation of the Nurse Family Partnership (NFP) Program in coordination with the Minnesota Visiting Nurse Agency (MVNA). Contract funds will be used to train MVNA staff on the nationally recognized and outcome based NFP program for intensive public health nursing home visiting services for at-risk families to foster healthy beginnings, improve pregnancy outcomes, promote school readiness, prevent child abuse and neglect, reduce juvenile delinquency, promote positive parenting and resiliency in

children, and promote family health and economic self-sufficiency for children and families. Further, passage of the accompanying resolution appropriating \$29,702 to the Department of Health & Family Support.

Adopted 9/3/2010.

RESOLUTION 2010R-418 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Federal Fund (01300-8600153) by \$29,702 and increasing the Revenue Source (01300-8600153 - Source 321007) by \$29,702. Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Minneapolis Public Schools to accept \$36,000 to expand mental health services in the School Based Clinic at Washburn High School. Further, passage of the accompanying resolution appropriating \$36,000 to the Department of Health & Family Support.

Adopted 9/3/2010.

RESOLUTION 2010R-419 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Other Fund (01600-8600152) by \$36,000 and increasing the Revenue Source (01600-8600152 - Source 372001) by \$36,000. Adopted 9/3/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Stratis Health, in an amount not to exceed \$10,000, for consulting services in preparation for implementation of electronic health records for the School Based Clinics. The contract period shall be for the period September 7, 2010 through August 31, 2012.

Adopted 9/3/2010.

Approved by Mayor Rybak 9/3/2010.

(Published 9/8/2010)

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award, in the amount of \$75,000, from the UCare Fund of the Minnesota Medical Foundation to support operations of the Skyway Senior Center. In accepting the funds, the City agrees to include the UCare logo and sponsorship tagline on all communications that describe the project and participate in efforts to promote the grant and its benefit to the community. Further, passage of the accompanying resolution appropriating \$75,000 to the Department of Health & Family Support. Adopted 9/3/2010.

RESOLUTION 2010R-420 By Samuels and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants – Other Fund (01600-8600112) by \$75,000 and increasing the Revenue Source (01600-8600112 - Source 372001) by \$75,000. Adopted 9/3/2010.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E – Your Committee, to whom was referred an ordinance amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General*, regulating institutional food service and defining "institutional/congregate food service", "confectionery", "food manufacturer", and "restaurant", now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 9/3/2010.

Ordinance 2010-Or-079 amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General*, amending Section 186.50 to regulate institutional food service and defining "institutional/congregate food service", "confectionery", "food manufacturer", and "restaurant", was adopted 9/3/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-079
By Gordon
Intro & 1st Reading: 7/2/2010
Ref to: RE&E
2nd Reading: 9/3/2010

By Gordon

Amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to the Food Code: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 186.50 of the above-entitled ordinance be amended to read as follows: **186.50. Definitions.** All terms used in this title, unless expressly defined in this section, shall be interpreted as defined in the Minnesota Food Code, part 4626.0020, as they may be amended from time to time. The following terms shall have the following meanings:

<u>Community kitchen</u> refers to an approved facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.

Confectionery, as a license type, shall mean the class of food that shall include ready-to-eat, single-service, pre-packaged snack items and beverages including chips, pop, candy, crackers, cookies, pastries, popcorn, sandwiches, milk, yogurt, ice cream, cheese and/or microwavable single-service soups or entrees and similar items. Ready-to-eat, single serving fruits and vegetables prewashed by the supplier may be sold if the facility has a conveniently located hand wash sink. No packaging or re-packaging may occur on the premises. If the facility is equipped with an NSF-approved three-compartment ware-washing sink with two (2) drain boards, and a hand wash sink conveniently located in the ware-washing area, the following non-potentially hazardous food items may be sold: coffee and flavored specialty coffees dispensed from a self-service device, pastries in a self-service display case, and candies in bulk containers for self-service. Food products designed for home preparation are not permitted. A commercial grade self-service microwave oven for self-service reheating of purchased food items is permitted. Approved commercial refrigeration and freezers are required.

Critical item means a part of the Food Code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation and represent substantial public health hazards. The designation of a critical item shall be in conformance with the designation contained within Minnesota Rules, Chapter 4626, as they may be amended from time to time.

Food establishment shall be defined including Minnesota Rules 4626.0020 subpart 35(c), in addition to those facilities listed in Minnesota Rules 4626.0020 subpart 35 (a) and (b).

<u>Food manufacturer means a food service establishment with food preparation and service for carryout, delivery, on-site dining with twelve (12) or fewer seats or a community kitchen.</u>

Food market distributor means a vendor in a public or municipal market that is selling or reselling foods for off-site consumption.

Food market manufacturer means a vendor in a public or municipal market that is selling foods for immediate consumption.

Food shelf shall mean a food establishment operated by a nonprofit organization where food is collected, stored, or packaged for free distribution to individuals who qualify for food according to need.

Food stand shall mean a temporary food establishment operated in one (1) contiguous space by a single licensee and which complies with the guidelines for dispensing food under a short-term permit. *Imminent* means impending or likely to develop without delay.

Institutional/congregate food service shall mean a food establishment that serves food primarily to a defined population in a congregate dining fashion and may include commercial child care centers, hospital cafeterias, public and private schools, senior independent living facilities, charitable dining halls, community food service or similar facilities. Institutional food service shall not mean home-based daycare businesses, establishments that operate with a city board and lodging license or food service operations at group homes, nursing homes, and veteran homes, etc. that are licensed at the county, state or federal level.

Mobile food vehicle means a food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, on public sidewalks or private property and readily movable, without disassembling, for transport to another location.

Mobile food vehicle, limited means a food establishment serving only prepackaged, nonperishable or packaged confections curbside on the public streets from a self-contained motorized vehicle.

Non-critical item means a part of the Food Code that, if in noncompliance, is less likely than other violations to contribute to food contamination, illness, or environmental degradation and represent substantial public health hazards. The designation of a non-critical item shall be in conformance with the designation contained within Minnesota Rules, Chapter 4626, as they may be amended from time to time.

Perishable food is fresh fruit and fresh vegetables, such as, but not limited to, apples, bananas, oranges and grapefruit, lettuce, carrots, radishes, onions and potatoes.

Potentially hazardous food means a food that is natural or synthetic and is in a form capable of supporting:

- (1) The rapid and progressive growth of infectious or toxigenic microorganisms;
- (2) The growth and toxic production of Clostridium botulinum; or
- (3) In a raw shell eggs, the growth of Salmonella enteritidis.

Potentially hazardous food includes foods of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth.

Process review means evaluating the menu and processes to receive, store, prepare, cook, hold, cool, and serve food.

<u>Restaurant</u> means a food service establishment with food preparation and service for carry out, delivery or on-site dining with thirteen (13) or more seats.

Risk one (1) food establishment means a facility that serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating or holding for service; or prepares foods several hours or days before service; or conducts specialized processing operations, such as curing, smoking, and reduced oxygen packaging; or serves food items that

epidemiological experience has demonstrated to be common vehicle of foodbourne illness. Examples include sit down full-service restaurants, and schools that prepare food on site.

Risk two (2) food establishment means a facility that serves potentially hazardous foods but with minimum holding time between preparation and service, and/or serves food such as pizza that require extensive handling following heat treatment. Examples include pizza sit-down or take out restaurants, and sub shops.

Risk three (3) food establishment is not a Risk 1 or 2. Examples include grocery items, donut shop, facility with limited food service.

Seasonal short-term food establishment is a person or sponsor who pays an annual fee to operate at multiple, approved short-term food events, such as fairs, carnivals, and community celebrations, and is an approved participant under the auspices and control of each such event. The seasonal short-term food establishment may sponsor multiple events within the area listed in section 188.480(e)(1) of this Code notwithstanding Minneapolis Park Board as a seasonal short-term permit holder.

Sell or sale is any transaction of a mercantile character.

Short-term food establishment is a food establishment operating for a period of fourteen (14) days or less at fairs, community celebrations, carnivals, circuses, promotional food product events, sports events and the like.

Sidewalk cart food vendor shall mean a food establishment that is a nonmotorized vehicle self-propelled by the operator.

Unpackaged processed food means any processed food offered for sale from containers that permit a customer to dispense the food directly into packages, except produce offered for sale or food which is intended to be shelled.

Wholesome shall mean sound, healthful, clean, free from adulteration and in all ways fit for human food.

Adopted 9/3/2010.

RE&E - Your Committee, to whom was referred ordinances amending Title 13, of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, allowing for and regulating temporary event parking, now recommends the following:

- a. that the subject matter of adding a new Chapter 318 be returned to author.
- b. that Chapter 319 relating to *Open Air Motor Vehicle Parking Lots* be given its second reading for amendment and passage.

Adopted 9/3/2010.

Approved by Mayor Rybak 9/3/2010.

(Published 9/8/2010)

Ordinance 2010-Or-080 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Sections 319.10 through 319.50 to allow for and regulate temporary event parking, was adopted 9/3/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-080
By Gordon
Intro & 1st Reading: 8/20/2010
Ref to: RE&E
2nd Reading: 9/3/2010

Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 319.10 of the above-entitled ordinance be amended to read as follows:

319.10. Definitions. Attendant parking means the practice of having the motor vehicle operated by the licensee between the motor vehicle reservoir area and the parking area, and between the parking area and the exits.

Commercial parking lot means a parking lot that charges a fee for parking or storing motor vehicles. Commercial parking lot, temporary means a parking lot that charges a fee for parking or storing motor vehicles on no more than fifteen (15) specified days in one (1) calendar year.

Fee means anything of value, including but not limited to money, tokens or requiring the purchase of goods or services as a condition precedent to the privilege of parking a motor vehicle.

Free parking lot means a parking lot for which no fee is charged for parking or storing motor vehicles and which is operated for the benefit of persons such as, but not limited to, employees, members, customers, patrons, clients or visitors.

Motor vehicle means every vehicle that is self-propelled and not deriving its power from overhead wires.

Motor vehicle reservoir area means the area at the entrance of a commercial parking lot between the property line and the line at which a ticket or claim check is received or a fee is paid.

Parking lot means any open air place with ten (10) or more parking spaces used for the parking or storing of motor vehicles.

Section 2. That Section 319.20 of the above-entitled ordinance be amended to read as follows:

319.20. License required. No person shall own or operate or in any way offer to operate a <u>commercial</u> parking lot without first obtaining a license for that lot as provided in this chapter.

Section 3. That Section 319.30 of the above-entitled ordinance be amended to read as follows:

319.30. Application for license. Any person desiring to be licensed to own or operate a <u>commercial</u> parking lot shall file an application with the department of licenses and consumer services on forms provided by the department. The application shall contain such information as the department may require, including plot plans and the street address of the applicant's residence, the name of the owner of the lot and the name of the manager or operator of the lot if different than the owner. No application shall be considered completed unless plot plans have been approved by the department of inspections and department of public works with regard to all requirements of this chapter.

Section 4. That Section 319.40 of the above-entitled ordinance be amended to read as follows: 319.40. License-granting procedure. Prior to the issuance of a Class A or B license, the city council shall determine if the parking lot complies with all the provisions of this chapter, other applicable provisions of the Code, and state statutes and regulations. If all such provisions are met and proper application has been made, the city council may grant the license. Prior to the issuance of a Class C license, the director of licenses and consumer services shall determine if the parking lot complies with all the provisions of this chapter, other applicable provisions of the Code, and state statutes and regulations. If all such provisions are met and proper application has been made, the director may grant the license.

Section 5. That Section 319.50 of the above-entitled ordinance be amended to read as follows: **319.50. Classes of licenses; commercial parking lots.** Licenses granted for commercial parking lots under this chapter shall be designated as either Class A or, Class B, or Class C licenses.

A Class A commercial lot may charge any rate that a Class B lot can charge, or may charge a rate based upon any fraction of a month.

Class B commercial parking lots shall be limited to charging customers for parking on a month-by-month contractual basis only.

A Class B parking lot shall have no pay boxes or other available means on the premises, by which a more frequent than monthly fee may be charged for parking.

A Class C temporary commercial parking lot shall be limited to charging customers for parking on no more than fifteen (15) specified days in one (1) calendar year and shall not utilize a pay box or other form of automated payment system.

Notwithstanding the provisions of section 551.175 of this Code, eligibility for a Class C license is limited to nonresidential uses with approved on-site accessory parking located on or within the area bounded by the following streets:

Commencing at the southeasterly bank of the Mississippi River where said riverbank is intersected by the Centerline of Franklin Avenue SE., extended; thence easterly to the Minneapolis City Limits; thence northerly on the boarder of Minneapolis and St. Paul to the centerline of the Intercampus Transit way; thence westerly on the centerline of the Intercampus Transit way, to 23rd Ave. SE., thence northeasterly along the centerline of 23rd Ave. SE., to the centerline of 6th Street SE., thence westerly to the centerline of 5th Street SE, thence westerly on 5th Street SE to the centerline of 15th Ave. SE., thence southeasterly on the centerline of 15th Ave. SE. to the centerline of Pleasant Ave. SE., thence southerly on the centerline of Pleasant Ave. SE to the centerline of Washington Ave. SE to the point of intersection with the bank of the Mississippi River, thence southeasterly on the riverbank to the point of beginning.

Adopted 9/3/2010.

Approved by Mayor Rybak 9/3/2010.

RE&E-Your Committee, having under consideration the application of Blackbird Inc, dba Blackbird Cafe, 3800 Nicollet Av, for an On-Sale Wine Class D with Strong Beer License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 9/3/2010.

RE&E - Your Committee, having under consideration the application of Blazin Wings Inc, dba Buffalo Wild Wings Grill & Bar, 2001 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2011; and to expand the premises for seating for 116 people on the outdoor patio, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Gordon moved to substitute the following report for the above report. Seconded. Adopted by unanimous consent.

RE&E - Your Committee, having under consideration the application of Blazin Wings Inc, dba Buffalo Wild Wings Grill & Bar, 2001 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2011; and to expand the premises for seating for 116 people on the outdoor patio; and having held a public hearing thereon, now recommends passage of the accompanying resolution granting said license, subject to conditions.

Adopted 9/3/2010.

Resolution 2010R-421, granting the application of Buffalo Wild Wings Grill & Bar, 2001 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-421 By Gordon

Granting the application of Buffalo Wild Wings Grill & Bar, 2001 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Blazin Wings Inc, dba Buffalo Wild Wings Grill & Bar, 2001 University Av SE, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2011, and to expand the premises for seating for 116 people on the outdoor patio, subject to the following conditions:

- 1. Pursuant to its corporate policy and the business plan submitted to the City of Minneapolis in connection with its liquor license application, Blazin Wings, Inc. agrees to provide an alcohol server training program for its employees that serve alcohol to guests. Provided, however, at such time as the City of Minneapolis enacts an ordinance relating to providing alcohol server training programs, Blazin Wings, Inc. agrees to comply with the then current ordinance.
- 2. Pursuant to its corporate policy and the business plan submitted to the City of Minneapolis in connection with its liquor license application, Blazin Wings, Inc. agrees to maintain an alcohol service policy for its employees that serve alcohol to guests. Provided, however, at such time as the City of Minneapolis enacts an ordinance relating to maintaining an alcohol service policy, Blazin Wings, Inc. agrees to comply with the then current ordinance.
- 3. Blazin Wings, Inc. agrees to comply with Minneapolis City Ordinance Section 362.395 (a) (1), which sets forth the food and alcohol ratios for a "restaurant" as defined under that section.
- 4. Blazin Wings, Inc. agrees to comply with Minneapolis City Ordinance Section 362.395 (a) (2) which sets forth the restrictions relating to size and capacity of the counter service offered by Buffalo Wild Wings.
 - 5. Blazin Wings, Inc. agrees that it will have menus available at the counter.
- 6. Blazin Wings, Inc. agrees that its liquor license application is subject to final inspection and compliance with all applicable provisions contained in the Minneapolis Code of Ordinances.

Adopted 9/3/2010.

RE&E-Your Committee, having under consideration the application of Bon Appetit Management Co, dba Cafe Target, 1000 Nicollet Mall, 2nd floor, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire January 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 9/3/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Restaurant License held by Kimchi House, 307 Oak St SE.

Adopted 9/3/2010.

Resolution 2010R-422, approving Business License Operating Conditions relating to the Restaurant License held by Kimchi House, 307 Oak St SE, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-422 By Glidden

Approving Business License Operating Conditions relating to the Restaurant License held by Kimchi House, 307 Oak St SE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by Kimchi House, 307 Oak St SE:

1. The licensee will make sure the one Service Availability Charge (SAC) due for the Metropolitan Council is paid within 30 days of the Metropolitan Council SAC appeal decision, if it is determined that it must be paid.

Adopted 9/3/2010.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Pizzeria Lola, 5557 Xerxes Av S, for an On-Sale Wine Class E with Strong Beer License,

and Approving Business License Operating Conditions. Adopted 9/3/2010.

Resolution 2010R-423, granting the application of Pizzeria Lola, 5557 Xerxes Av S, for an On-Sale Wine Class E with Strong Beer License, and Approving Business License Operating Conditions, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-423 By Glidden

Granting the application of Pizzeria Lola, 5557 Xerxes Av S, for an On-Sale Wine Class E with Strong Beer License and Approving Business License Operating conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Pizzeria Lola Inc, dba Pizzeria Lola, 5557 Xerxes Av S, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2011, and Approves the following Business License Operating Conditions:

- 1. Pizzeria Lola shall not promote "happy hours" or allow alcoholic beverage specials.
- 2. A second public meeting will be held by February 2011 with a representative of Pizzeria Lola to discuss compliance with license conditions and applicable City ordinances.
- 3. All deliveries except wood used in the wood burning oven shall be made through the front entrance of the premise.
 - 4. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 9/3/2010.
- **RE&E -** Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Restaurant License held by Yak & Yeti, 23 4th St NE.

Adopted 9/3/2010.

Resolution 2010R-424, approving Business License Operating Conditions relating to the Restaurant License held by Yak & Yeti, 23 4th St NE, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-424 By Glidden

Approving Business License Operating Conditions relating to the Restaurant License held by Yak & Yeti, 23 4th St NE.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Restaurant License held by Yak & Yeti, 23 4th St NE:

1. The Service Availability Charge (SAC) determined by the Metropolitan Council to be \$6,300 shall be paid within 30 days of this license being approved by the City Council.

Adopted 9/3/2010.

RE&E-Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 9/3/2010.

Resolution 2010R-425, granting applications for Liquor, Wine and Beer Licenses, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-425 By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274469):

Off-Sale Liquor, to expire October 1, 2011

Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2011

University Gateway Corporation, dba Gateway Cafe, 200 Oak St SE

On-Sale Liquor Class B with Sunday Sales, to expire September 11, 2010

Sallys Saloon & Eatery, dba Sallys Saloon & Eatery, 712 Washington Av SE (temporary expansion of premises with entertainment, September 11, 2010, 8:00 a.m. to 8:00 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire September 18, 2010

Keegan Pubs Inc, dba Keegans Pub, 16 University Av NE (temporary expansion of premises with entertainment, September 17 & 18, 2010)

Temporary On-Sale Liquor

Minnesota Opera, dba Minnesota Opera, 620 N 1st St (September 18, 2010, 7:30 p.m. to 11:30 p.m., Young Professionals Group Season Kickoff Event)

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (October 16, 2010, 5:30 p.m. to 11:30 p.m.)

Temporary On-Sale Wine

The Minnesota Opera, dba The Minnesota Opera, 620 1st St N (September 14, 2010, 6:00 p.m. to 8:00 p.m., Donor Benefit Event)

Temporary On-Sale Beer

Church of All Saints, dba Church of All Saints, 435 4th St NE (September 12, 2010, 11:00 a.m. to 5:00 p.m., Fundraiser in Church Parking Lot)

St. Maron Catholic Church, dba St. Maron Catholic Church, 600 University Av NE (September 25 & 26, 2010, 11:00 a.m. to 8:00 p.m., Fundraiser/Festival)

Church of The Holy Name, dba Church of The Holy Name, 3637 11th Av S (October 10, 2010, Noon to 3:00 p.m., Annual Fundraiser)

Church of St. Austin, dba Church of St. Austin, 4050 Upton Av N (October 16 & 17, 2010, 5:30 p.m., Fall Festival and Fundraiser).

Adopted 9/3/2010.

RE&E-Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 9/3/2010.

Resolution 2010R-426, granting applications for Business Licenses, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-426 By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 22, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274469):

Car Wash; Food Market Distributor; Grocery; Food Manufacturer; Mobile Food Vendor; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Plumber; Public Market; Rental Halls; Residential Specialty Contractor; Solid Waste Hauler; Taxicab Service Company; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades. Adopted 9/3/2010.

 $\textbf{RE\&E-} Your Committee \, recommends \, passage \, of \, the \, accompanying \, resolution \, granting \, applications \, for \, Gambling \, Licenses.$

Adopted 9/3/2010.

Resolution 2010R-427, granting applications for Gambling Licenses, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-427 By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 274469):

Gambling Class B

Twin Cities Wrestling Club, dba Twin Cities Wrestling Club, 2217 22nd Av (Site: The Vegas Lounge) **Gambling Exempt**

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, Raffle, Paddlewheel, Pulltabs September 17 - 29, 2010)

Clare Housing, dba Clare Housing, 929 Central Av NE (Raffle and Bingo September 25, 2010, Hyatt Regency Minneapolis)

Minnesota International Center, dba Minnesota International Center, 711 E River Rd (Raffle October 29, 2010, Memorial Hall, 200 Oak St).

Adopted 9/3/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery License held by Tienda La Poblanita, 1617 E Lake St.

Adopted 9/3/2010.

Resolution 2010R-428, approving License Settlement Conference recommendations relating to the Grocery License held by Tienda La Poblanita, 1617 E Lake St, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-428 By Glidden

Approving License Settlement Conference recommendations relating to the Grocery License held by Tienda La Poblanita, 1617 E Lake St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on June 17, 2010 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee

- a. failed to comply with Environmental Health Codes in Title 10 of the Minneapolis Code of Ordinances (Code).
- b. failed to pay administrative citations, in the total amount of \$1,600, in violation of Section 259.15 of the Code.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. The \$1,600 in unpaid administrative citations shall be paid as follows: \$800 was paid on the date of the hearing; \$400 will be due on July 15, 2010; and the final \$400 payment will be due on August 15, 2010. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health.
- 2. For a period of one year (July 2010 to July 2011), a certified food manager shall be in the restaurant at any time food is present and all business operating hours. The food manager is to ensure that all employees of La Poblanita Inc and Tienda la Poblanita shall comply with all Environmental Health regulations. Business Licenses acknowledges that both businesses were having three people go through the certified food managers courses and testing at the time of the License Settlement Conference.
- 3. The Environmental Health Division shall conduct unscheduled inspections on a quarterly basis for a period of one year and the licensee agrees to pay a fee of \$100 per inspection. The licensee understands that if he fails to meet environmental health codes resulting in critical violations and/or repeat violations, adverse license action could result. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health.
- 4. Tienda la Poblania and La Poblanita, Inc shall enroll and fully participate in the City of Minneapolis Environmental Health Food Safety Self-inspection Program.
- 5. Tienda la Poblanita and La Poblanita, Inc must implement a food protection system and monitor food safety. The licensee must train all employees in food safety and provide documentation at the request of the City. It is recommended that the licensee and his employees will attend the monthly community food safety training meeting offered by the City.
- 6. Based on the risks of food borne illness inherent to the food operation, during inspections and upon request by the regulatory authority, the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention. The person in charge shall ensure that:
- a. employees and other persons, including delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage and ware washing areas comply with the Code.
 - b. employees effectively clean their hands by routinely monitoring the employees' hand washing.
- c. employees visibly observe foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and

accurately presented by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.

- d. employees properly cook potentially hazardous food, being particularly careful in cooking those foods known to cause severe food borne illness and death, including eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures.
- e. employees use proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four hours through daily oversight of the employees' routine monitoring of food temperatures during cooling.
- f. employees properly sanitize cleaned multi-use equipment and utensils before they are reused through routine monitoring of solution temperature and exposure time for hot water sanitizing and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.
 - g. employees implement and maintain food safety standards in the facility.
- 7. The entire facility must be immediately cleaned thoroughly, including all walls, floors, ceilings, equipment, and under all equipment, furniture, dining areas, restrooms, store rooms and installations. All unused equipment and other items must be removed. The physical facilities shall be cleaned as often as necessary to keep them clean. Repairs need to be made to floors, walls and ceilings.

Adopted 9/3/2010.

RE&E - Your Committee, having under consideration the property located at 2726 Stevens Av, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 2726 Stevens Av be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Lilligren moved that the report be postponed to the September 24, 2010 Council Meeting. Seconded.

Adopted 9/3/2010.

RE&E-Your Committee, having under consideration the property located at 3201 4th St N, which has been determined by the Department of Regulatory Services to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 3201 4th St N be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 9/3/2010.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Robin Keaton for the property located at 2728 17th Av S; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.2010 (a) of the Minneapolis Code of Ordinances relating to conduct on licensed premise, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 9/3/2010.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Kevin Murray for the property located at 3503 Colfax Av N; and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 (8) of the Minneapolis Code of Ordinances relating to failure

of the licensee to allow a rental license inspection on the rental dwelling, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference.

Adopted 9/3/2010.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

RE&E & W&M/Budget - Your Committee, having submitted a proposal to the Minnesota Department of Commerce, Office of Energy Security, seeking grant funding for local government and school district renovations, now recommends that the proper City officers be authorized to:

a. accept a grant award in the amount of \$137,806.75 (OES-04192010-COSTSHARE01) for energy conservation measures at the following five City facilities:

Public Service Center for HVAC controls and to retrofit 1,015 light fixtures;

LaSalle Ramp to retrofit 250 light fixtures;

10th and Hennepin Ramp to retrofit 275 light fixtures:

Courthouse Municipal Ramp to retrofit 168 light fixtures; and

Target Center to retrofit 960 light fixtures.

b. provide the required 50% City matching funds, in the amount of \$137,806.75, from various capital budget accounts.

c. negotiate and execute documents associated with the grant with the Office of Energy Security. Adopted 9/3/2010.

RE&E & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7333 submitted by Buberl Recycling and Composting, Inc., in the amount of \$24,175, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition and site clearance of a building located at 1020 Newton Avenue North for the Department of Regulatory Services, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 9/3/2010.

Approved by Mayor Rybak 9/3/2010.

(Published 9/8/2010)

RE&E & W&M/Budget - Your Committee recommends acceptance of low bid received on OP #7332 submitted by Buberl Recycling and Composting, Inc., in the amount of \$59,435, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition and site clearance of a building located at 3001-3011 East Lake Street for the Department of Regulatory Services, all in accordance with City specifications. Your Committee further recommends that the proper City officers be authorized to execute a contract for said project.

Adopted 9/3/2010.

Approved by Mayor Rybak 9/3/2010.

(Published 9/8/2010)

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, to whom was referred back from City Council on July 23, 2010 a resolution relating to the appointment of city representatives to The Interchange Working Group, now recommends passage of the accompanying resolution appointing three (3) elected representatives from the City of Minneapolis to serve on The Interchange Working Group (Petn No 274390).

Colvin Roy moved to substitute a new resolution for the above-entitled resolution. Seconded. Lilligren moved a substitute motion that the Council approve the resolution as recommended by the Transportation & Public Works Committee. Seconded.

Lost 9/3/2010. Yeas, 3; Nays, 10 as follows:

Yeas - Glidden, Hodges, Lilligren.

Nays-Tuthill, Quincy, Goodman, Samuels, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson. The report, with the substitute resolution, was adopted 9/3/2010. Yeas, 12; Nays, 1 as follows: Yeas-Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Lilligren.

Resolution 2010R-429, approving the appointment of three (3) elected representatives from the City of Minneapolis to serve on The Interchange Working Group, was adopted 9/3/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-429 By Colvin Roy

Approving the appointment of three (3) elected representatives from the City of Minneapolis to serve on The Interchange Working Group.

Whereas, The Interchange in downtown Minneapolis brings together transit and development, creating a civic space that will connect multiple transportation options, support a vibrant regional economy, reduce greenhouse gas emissions, and increase mobility; and

Whereas, The Interchange accommodates increased transit service and consolidates that transit service and multi-modal connections which aligns with the key strategies identified in the Downtown Action Plan and the recommendations contained in the recently adopted North Loop Small Area Plan; and

Whereas, the immediate need to address the expansion of the LRT component of The Interchange, also known as "Phase 1", is urgent given the timing related to Central Corridor coming online in 2014; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports establishing an Interchange Working Group comprised of three (3) County Commissioners, three (3) elected representatives from the City of Minneapolis, one (1) member from the Metropolitan Council, and the Commissioner of the Minnesota Department of Transportation or his designee.

Be It Further Resolved that the City of Minneapolis hereby appoints Council Members Colvin Roy, Samuels, and Schiff to serve as its appointees to The Interchange Working Group.

Be It Further Resolved that Council Member Lilligren serve as an alternate to the Interchange Working Group and request that Hennepin County accept the position of alternate.

Be It Further Resolved that The Interchange Working Group be charged with meeting regularly to review progress and issues related to The Interchange project and to ensure that The Interchange project is coordinated among County and City staff and policy makers with timely and appropriate community participation and input.

Be It Further Resolved that establishment of The Interchange Working Group in no way delegates to the Working Group decision making authority or responsibility of the Hennepin County Regional Rail Authority (HCRRA), the Minneapolis City Council, the Metropolitan Council, or the Minnesota Department of Transportation (Mn/DOT), and that the Working Group is directed to present regular reports of its progress and results to policy makers and to present to the HCRRA and City Council any proposed actions supporting the development of The Interchange requiring City and/or County approval.

Adopted 9/3/2010. Yeas, 12; Nays, 1 as follows:

Yeas - Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Colvin Roy, Johnson.

Nays - Lilligren.

T&PW - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No 7345 from Engineering and Construction Innovations, Inc., in the amount of \$635,445, to furnish all labor, materials, equipment, permits, and incidentals necessary to accomplish the repair of the 2nd Ave Storm Tunnel.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 9/3/2010. Approved by Mayor Rybak 9/3/2010. (Published 9/8/2010)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee, having under consideration a request for reimbursement of attorneys' fees for legal services provided to Chief of Police, Timothy Dolan, now recommends that 248.01 hours of time and costs, in the amount of \$60,883.35, be paid to the firm of Kelley, Wolter & Scott, P.A. (set forth in Petn 274481).

Adopted 9/3/2010.

W&M/Budget - Your Committee recommends approval of the October 2010 utility billing insert on behalf of Public Works providing information about fall street sweeping and pickup of leaf bags and branches.

Adopted 9/3/2010.

W&M/Budget - Your Committee, having under consideration grant funding from the United Illegal Guns Support Fund, now recommends that the proper City officers be authorized to accept grant funds, in the amount of \$75,000 to hire a Mayors Against Illegal Guns coalition "Regional Coordinator" to play an integral role in the coordination and planning of illegal gun-related initiatives, events, and media opportunities, focusing solely on public safety, illegal guns, and crime reduction. Further, passage of the accompanying resolution appropriating \$75,000 to the Mayor's Department.

Adopted 9/3/2010.

RESOLUTION 2010R-430 By Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Mayor's Office in the Grants - Other Fund (01600-3750100) by \$75,000 and increasing the Revenue Source (01600-3750100) by \$75,000.

Adopted 9/3/2010.

MOTION

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of October, 2010, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 9/3/2010.

RESOLUTION

Resolution 2010R-431, approving acceptance of gift of books entitled "Target Field: The New Home of the Minnesota Twins" from Minnesota Twins and Twins Sports, Inc., was adopted 9/3/2010 by the

City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-431 By Johnson

Approving acceptance of gift of books entitled "Target Field: The New Home of the Minnesota Twins" from Minnesota Twins and Twins Sports, Inc.

Whereas, the Minnesota Twins and Twins Sports, Inc., have provided individual Council Members/Council Offices with copies of a book entitled "Target Field: The New Home of the Minnesota Twins"; and

Whereas, the Minnesota Twins and Twins Sports, Inc., also have provided the Director and Deputy Director of the Department of Community Planning & Economic Development (CPED) and the Director of Public Works with copies of the same book; and

Whereas, this book explores the long journey to getting a new ballpark for the Minnesota Twins and celebrates the groundbreaking achievements of its design and construction; and

Whereas, the new Twins Ballpark exemplifies the cooperation between the Twins and local governmental units; and

Whereas, it is beneficial for the City for individual Council offices/Council Members, Director and Deputy Director of CPED, and the Director of Public Works to accept the books as a gift for the City; and

Whereas, Minnesota Statutes, Section 465.03, requires that acceptance of gifts by the City "be made by resolution of the governing body adopted by two-thirds majority of its members, expressed in such terms as full:"

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the individual Council offices/Council Members, Director and Deputy Director of CPED, and the Director of Public Works may accept the book entitled "Target Field: the New Home of the Minnesota Twins" on behalf of the City and said books, if accepted, to be retained in the Council offices or department offices.

Adopted 9/3/2010. Yeas, 11; Nays, 2 as follows:

Yeas - Tuthill, Glidden, Goodman, Hodges, Samuels, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Johnson.

Nays - Quincy, Gordon.

UNFINISHED BUSINESS

Per previous notice, Samuels moved to introduce the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits, for first reading and referral to the Public Safety & Health Committee (amending various regulations pertaining to dangerous and potentially dangerous animals). Seconded.

Adopted upon a voice vote 9/3/2010.

Per previous notice, Glidden moved to introduce the subject matter of an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to Administrative Enforcement and Hearing Process: Assessment of Civil Fines for Property Related Violations, for first reading and referral to the Regulatory, Energy & Environment Committee (amending Section 2.120 to remove the date of assessment certification). Seconded.

Adopted upon a voice vote 9/3/2010.

NEW BUSINESS

Lilligren moved to introduce the subject matter of an ordinance amending Title16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Program, for first reading and referral to the Committee of the Whole (extending the expiration of Chapter 423 to March 31, 2011). Seconded.

Adopted by unanimous consent 9/3/2010.

Goodman moved to adjourn to Room 315 City Hall to consider the matter of *Campion & Associates v. City of Minneapolis*. Seconded.

Adopted upon a voice vote 9/3/2010.

Room 315 City Hall

Minneapolis, Minnesota

September 3, 2010 - 10:44 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Tuthill, Glidden, Goodman, Hodges, Samuels, Schiff, Lilligren, President Johnson.

Absent – Council Members Quincy, Gordon, Reich, Hofstede, Colvin Roy.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Campion & Associates v. City of Minneapolis* lawsuit.

At 10:46 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Quincy, Gordon, Reich, Colvin Roy.

Present - Tuthill, Glidden, Goodman, Hodges, Samuels, Gordon (in at 10:51 a.m.), Reich (in at 10:48 a.m.), Hofstede, Schiff, Lilligren, Colvin Roy (in at 10:47 a.m.), Johnson.

Absent – Quincy.

Also present - Susan Segal, Peter Ginder, Lynn Fundingsland, Amanda Trelstad, Gregory Sautter, City Attorney's Office; Mayor R.T. Rybak; Jeremy Hanson Willis, Mayor's Office; Deputy Chief of Police Scott Gerlicher; Casey Joe Carl and Irene Kasper, City Clerk's Office.

Fundingsland summarized the Campion & Associates v. City of Minneapolis lawsuit from 10:46 a.m. to 11:23 a.m.

At 11:23 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Quincy.

Hofstede moved to approve the settlement of the lawsuit of Campion Barrow and Associates, Inc., an Illinois Corporation and Michael A. Campion, v. City of Minneapolis, and Mayor R.T. Rybak, in United States District Court, District of Minnesota, Court File No. 07-CV-3935 (JNE/JJK); by payment of \$210,000.00 to Plaintiffs Michael A. Campion, and Campion Barrow and Associates, Inc., and authorize the City Attorney's Office to execute any documents necessary to effectuate this settlement. Seconded.

Adopted 9/3/2010.

Absent - Quincy.

Lilligren moved to adjourn. Seconded. Adopted upon a voice vote 9/3/2010. Absent - Quincy.

The adjourned session of the City Council meeting was tape recorded with the tape of file in the office of the City Clerk.

Casey Joe Carl, City Clerk.

Unofficial Posting: 9/08/2010 Official Posting: 9/13/2010 Corrections: 9/17/2010

5/31/2011